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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,810	02/12/2002	Jean-Marc Gery	NIKOP029, PA0441, 00/0464	7123
22434	7590	04/29/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			RO, BENTSU	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,810

Applicant(s)

GERY, JEAN-MARC

Examiner

Bentsu Ro

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) 29-31 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 7, 14-17 and 20 is/are rejected.
7) ☒ Claim(s) 5, 6, 8-13, 18, 19 and 21-28 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ 2 sheets.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FIRST OFFICE ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fremerey et al US Patent No. 6,118,200.

Claim 1 reads onto Fremerey et al teaching as following. Claim 14 is a method claim similar to that of claim 1, explanation is omitted.

<u>Claim 1:</u>	<u>Fremerey et al teaching:</u>
An apparatus for providing support between a first structure and a second structure, comprising:	the sole figure shows an apparatus for providing support between a first structure and a second structure; the first structure reads onto the platform 6; the second structure reads onto the rotor 1;
a first section having a first group of at least one magnetic frame member,	this portion of claim reads onto the stator magnet 5; the stator magnet 5 is a first section having a first group of at least one magnetic frame member; it is noted that the first section and the first group can have only one element (the magnet 5) according to the claim limitation;
the first section being coupled to the first structure; and	the stator magnet 5 is connected to the platform 6;

a second section having a second group of at least one magnetic frame member,	similarly, the second section and the second group read onto the rotor magnet 3;
the second section being coupled to the second structure; wherein	the rotor magnet 3 is connected to the rotor 1;
the first and second sections present magnetic force therebetween.	the stator magnet 5 and the rotor magnet 3 are near together, therefore, there is a magnetic force therebetween.

3. Claims 1, 2, 14, 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Morishita US Patent No. 5,631,617.

Claims read onto Morishita's teaching as follows:

<u>The claims:</u>	<u>Morishita's teaching:</u>
Claim 1. An apparatus for providing support between a first structure and a second structure, comprising:	Fig. 14H shows an apparatus for providing support; the first structure reads onto the track frame 11; the second structure reads onto the table 8;
a first section having a first group of at least one magnetic frame member,	Fig. 14H shows permanent magnets 6, yokes 5, container 4, these elements altogether constitute a first section; the permanent magnets 6 and yokes 5 together constitute a first group;
the first section being coupled to the first structure; and	the permanent magnets 6 are at least one magnetic frame member; the yokes etc are coupled to the track frame 11;
a second section having a second group of at least one magnetic frame member,	Fig. 14H shows iron plates which are the second section having a second group of at least one magnetic frame member; it is noted that Fig. 14H shows a single

the second section being coupled to the second structure; wherein	iron plate, however, in the real construction, there are many iron plates, see Figs. 14F and Fig. 20, for example; the iron plates 7 are coupled to the table 8;
the first and second sections present magnetic force therebetween.	Figs. 4C-4F show magnetic force presented between the first section and the second section.
Claim 2. The apparatus of claim 1, wherein the second group of at least one magnetic frame member is provided within the first group of at least one magnetic frame member.	Fig. 14H shows that the iron plates are provided inside two of the permanent magnetic structure 4, 5, 6; one on each side.
Claims 14 and 15.	Claims 14 and 15 are method claims similar to that of claims 1 and 2 respectively, explanation is omitted.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 7, 16, 17, 20 are all rejected under 35 U.S.C. 103(a) as being unpatentable over Morishita.

Regarding claims 3 and 16, Morishita does not show the direction of magnetic poles. However, the induced magnetic poles of the iron plates 7 and the magnetic poles of the permanent magnets 6 must be attractive so that the weight of a convey apparatus can be supported and levitated.

Based on the known behavior of the magnetic flux and the drawing shown in Fig. 4C, the magnetic lines must go from N-pole of permanent magnet 6 to the left hand side of the iron plate 7. Thus, the left-hand side of the iron plate must induce a S-pole. The magnetic line then goes from the left-hand side of the iron plate (the S-pole) to the right-hand side of the iron plate 7. The right-hand side of the iron plate becomes a N-pole. The magnetic line then returns to the S-pole of the permanent magnet 6.

According to the above explanation, one can see that the subject matter of claims 3 and 16 is met by this magnetic attraction.

The subject matter of claims 4 and 17 can be interpreted in several different ways. One of the interpretation is:

- the first section reads onto Morishita Fig. 14H the left-hand side permanent magnet 6;
- the second section reads onto Fig. 14H the left-hand side iron plate 7;
- the difference between the first section and the second section is zero, which is no more than 1.

Regarding claims 7 and 20, a third group of at least one magnetic core can read onto Fig. 14H, the yoke 5 on either side of the track frame 11.

6. Claims 5, 6, 8-13, 18, 19, 21-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. **Claims 29-31 are non-elected claims, these claims should be canceled in response to this office action.**

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number 571 272-2072.


Bentsu Ro
Senior Examiner
Art Unit 2837